

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE METROPOLITANS
HOCKEY LLC,

Plaintiff,

v.

SEATTLE HOCKEY PARTNERS
LLC,

Defendant.

CASE NO. C23-1989JLR

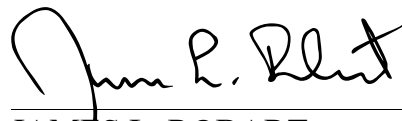
ORDER

Before the court is Defendant Seattle Hockey Partners LLC's ("Seattle Hockey Partners") motion to dismiss Plaintiff Seattle Metropolitans Hockey LLC's ("Seattle Metropolitans") state law claims for conversion and tortious interference pursuant to Federal Rule of Civil Procedure 12(b)(6). (Mot. (Dkt. # 7).) Seattle Hockey Partners filed its motion to dismiss on January 19, 2024. (*See generally* Dkt.) On February 12, 2024, Seattle Metropolitans filed a response stating its belief that the conversion and tortious interference claims "have merit," but that "in the interest of judicial economy," it

1 would withdraw those claims. (Resp. (Dkt. # 13) at 1.) Seattle Metropolitan
2 concurrently filed an amended complaint in which it abandoned its conversion and
3 tortious interference claims. (*See generally* Am. Compl. (Dkt. # 12); *see also* Resp. at 1
4 (“This action moots Defendant’s pending motion to dismiss.”).) Seattle Hockey Partners
5 declined to file a reply. (*See generally* Dkt.)

6 “A party may amend its pleading once as a matter of course no later than . . . 21
7 days after service of a motion under Rule 12(b).” Fed. R. Civ. P. 15(a)(1)(B). Although
8 Seattle Metropolitan filed its amended complaint beyond the time limits permitted by
9 Federal Rule of Civil Procedure 15(a)(1)(B), Seattle Hockey Partners has not objected.
10 (*See generally* Dkt.) Accordingly, the court considers the amended complaint to be the
11 operative complaint. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (“[A]n
12 amended pleading supersedes the original pleading.”). Because Seattle Metropolitan has
13 abandoned the claims that Seattle Hockey Partners sought to dismiss, the court DENIES
14 Seattle Hockey Partners’s motion (Dkt. # 7) as moot.

15 Dated this 21st day of February, 2024.

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17 JAMES L. ROBART
18 United States District Judge
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